IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 21035 of 2004

Between:

Zilla Rajamma, W/o Sriramulu, Fair price shop dealer,
Demakethupalli Village, Chilamathur Mandal, Ananthapur District.

..... PETITIONER

AND

1. The Joint Collector, Ananthapur.
2. The Mandal Revenue Officer, Chilamathur Mandal, Ananthapur District.
3. Kum M.Nirmala, D/o MChinnappa,
R/o Demakethupalli Village, Chilamathur Mandal, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the first respondent in neither disposing of the appeal filed by the petitioner nor granting stay orders in the said appeal as illegal and arbitrary by setting aside the proceedings dated 24-04-1998 in Rc.No.64/98 on the file of the 2nd Respondent, by further directing the 2nd respondent to continue to supply essential commodities to the petitioner every month, on regular basis and award costs.

Counsel for the Petitioner:MR.N.RANGA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3 : .. ..

The Court at the stage of admission made the following :

ORDER:

The petitioner states that she was appointed as a dealer of the Fair price shop of Demakethupalli village in Chilmathur Mandal, Ananthapur District, in the year 1996. Subsequently, by an order dated 24.04.1998 the third respondent herein was appointed as a temporary dealer by the second respondent-Mandal Revenue Officer, Chilamathur Mandal, Ananthapur District. Aggireved by the same, the petitioner preferred an appeal before the first respondent- Joint Collector, Ananthapur.

The main contention raised by the petitioner is that the second respondent is not the competent authority to appoint a fair price shop dealer and at any rate since the authorization of the petitioner is subsisting, the order dated 24.04.1998 appointing the third respondent is arbitrary, illegal and without jurisdiction.

It is not in dispute that the statutory appeal preferred by the petitioner against the order of the second respondent is still pending before the first respondent. In the circumstances, it is not open to the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India, challenging the very same order which is the subject matter of the statutory Appeal.

Accordingly, granting leave and liberty to the petitioner to urge all the contentions in the Appeal pending before the first respondent, the writ petition is disposed of. No costs.

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17-11-2004

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To

1. The Joint Collector, Ananthapur.
2. The Mandal Revenue Officer, Chilamathur Mandal, Ananthapur District.
3. 2CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).

4. 2CD copies.